

**IN THE MISSOURI CIRCUIT COURT
FOR THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF ST. CHARLES**

SWINTER GROUP, INC.,)

Plaintiff,)

v.)

**SERVICE OF PROCESS AGENTS,
INC.,**)

Serve:)

Henry E. Seaton, Reg. Agent)
Seaton & Husk, LP)
2240 Gallow Road)
Vienna, VA 22182)

or)

Henry E. Seaton, Reg. Agent)
8205 Hillcrest Road)
Annandale, VA 22003)

JURY TRIAL DEMANDED

DOUGLAS SCOTT KAISER,)

Serve:)

c/o Seaton & Husk, LP)
2240 Gallows Road)
Vienna, VA 22182)

or)

14509 Swissair Place)
Chantilly, VA 20151)

and)

JOHN DOES 1-10,)

Defendants.)

CLASS ACTION JUNK-FAX PETITION

Plaintiff Swinter Group, Inc., brings this junk-fax class action, on behalf of itself and all others similarly situated, against Defendants Service of Process

Agents, Inc., Douglas Scott Kaiser, and John Does 1-10 under the Telephone Consumer Protection Act of 1991, as amended by the Junk Fax Prevention Act of 2005, 47 U.S.C. § 227, and the regulations promulgated thereunder (TCPA).

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Swinter Group, Inc. (Swinter) is a Missouri corporation in good standing with the Missouri Secretary of State.
2. Defendant Service of Process Agents, Inc. (SPA) was incorporated in Tennessee and remains in good standing in Tennessee.
3. The principal place of business of SPA is in Virginia.
4. SPA is not registered with the Virginia Secretary of State.
5. SPA is not registered with the Missouri Secretary of State to transact business in Missouri.
6. SPA does not have a certificate of authority issued by the Missouri Secretary of State.
7. Neither “SPA,” “Service of Process Agents,” nor “Service of Process Agents, Inc.” is registered as a fictitious name with the Missouri Secretary of State.
8. Defendants John Does 1-10 are not presently known.
9. Missouri Revised Statutes § 351.574.4 states, in part, that “[e]very foreign corporation now doing business in or which may hereafter do business in this state without a certificate of authority shall be subject to a fine of not less than one thousand dollars to be recovered before any court of competent

jurisdiction.”

10. Missouri Revised Statutes § 417.20 states “[t]hat every name under which any person shall do or transact any business in this state, other than the true name of such person, is hereby declared to be a fictitious name, and it shall be unlawful for any person to engage in or transact any business in this state under a fictitious name without first registering same with the secretary of state as herein required.”

11. This Court has personal jurisdiction over Defendants under 47 U.S.C. § 227(b)(3), because Defendants sent at least one illegal fax into Missouri, Defendants transact business within this state, Defendants have made contracts within this state, Defendants have committed tortious acts within this state, including conversion of fax recipients’ paper, ink, and toner, or Defendants otherwise have sufficient minimum contacts with this state.

12. Venue is proper under Missouri Revised Statutes § 508.010.2.

THE FAX

13. On or about August 31, 2015, Defendants, or someone acting on their behalf, used a telephone facsimile machine, computer, or other device to send to Plaintiff’s telephone facsimile machine at (314) 678-0116 an unsolicited advertisement, a true and accurate copy of which is attached as **Exhibit 1** (Fax).

14. Plaintiff received the Fax through Plaintiff’s facsimile machine.

15. The Fax constitutes material advertising quality or commercial availability of any property, goods, or services.

16. The Fax advertised a service offered by SPA.

17. The bottom of the Fax contains no opt-out notice whatsoever.
18. A true copy of SPA's home page, www.processagents.net (which transfers automatically from www.BOC3NOW.com) (last visited Aug. 8, 2017), is attached as **Exhibit 2**.
19. The Fax constitutes material advertising the quality or commercial availability of any property, goods, or services.
20. On information and belief, Defendants have sent other facsimile transmissions of material advertising the quality or commercial availability of property, goods, or services to Plaintiff and to at least 40 other persons as part of a plan to broadcast fax advertisements, of which the Fax is an example, or, alternatively, the Fax was sent on Defendants' behalf.
21. On information and belief, Defendants approved, authorized and participated in the scheme to broadcast fax advertisements by (a) directing a list to be purchased or assembled, (b) directing and supervising employees or third parties to send the faxes, (c) creating and approving the fax form to be sent, and (d) determining the number and frequency of the facsimile transmissions.
22. Defendants had a high degree of involvement in, actual notice of, or ratified the unlawful fax broadcasting activity and failed to take steps to prevent such facsimile transmissions.
23. Defendants created, made, or ratified the sending of the Fax and other similar or identical facsimile advertisements to Plaintiff and to other members of the "Class" as defined below.

24. The Fax to Plaintiff and, on information and belief, the similar facsimile advertisements sent by Defendants, lacked a proper notice informing the recipient of the ability and means to avoid future unsolicited advertisements.

25. Under the TCPA and 47 C.F.R. § 64.1200(a)(4)(iii), the opt-out notice for unsolicited faxed advertisements must meet the following criteria:

- (A) The notice is clear and conspicuous and on the first page of the advertisement;
- (B) The notice states that the recipient may make a request to the sender of the advertisement not to send any future advertisements to a telephone facsimile machine or machines and that failure to comply, within 30 days, with such a request meeting the requirements under paragraph (a)(4)(v) of this section is unlawful;
- (C) The notice sets forth the requirements for an opt-out request under paragraph (a)(4)(v) of this section
- (D) The notice includes—
 - (1) A domestic contact telephone number and facsimile machine number for the recipient to transmit such a request to the sender; and
 - (2) If neither the required telephone number nor facsimile machine number is a toll-free number, a separate cost-free mechanism including a Web site address or e-mail address, for a recipient to transmit a request pursuant to such notice to the sender of the advertisement. A local telephone number also shall constitute a cost-free mechanism so long as recipients are local and will not incur any long distance or other separate charges for calls made to such number; and
- (E) The telephone and facsimile numbers and cost-free mechanism identified in the notice must permit an individual or business to make an opt-out request 24 hours a day, 7 days a week.

26. The Fax and Defendants' similar facsimile advertisements lacked a notice stating that the recipient may make a request to the sender of the

advertisement not to send future advertisements to a telephone facsimile machine or machines and that failure to comply, within 30 days, with such a request meeting 47 C.F.R. § 64.1200(a)(4)(v)'s requirements is unlawful.

27. The transmissions of facsimile advertisements, including the Fax, to Plaintiff, lacked a notice that complied with 47 U.S.C. § 227(b)(1)(C) and 47 C.F.R. § 64.1200(a)(4)(iii).

28. On information and belief, Defendants faxed the same or other substantially similar facsimile advertisements to the members of the Class in Missouri and throughout the United States without first obtaining the recipients' prior express invitation or permission.

29. Defendants violated the TCPA by transmitting the Fax to Plaintiff and to the Class members without obtaining their prior express invitation or permission and by not displaying the proper opt-out notice required by 47 C.F.R. § 64.1200(a)(4).

30. Defendants knew or should have known that (a) facsimile advertisements, including the Fax, were advertisements, (b) Plaintiff and the other Class members had not given their express invitation or permission to receive facsimile advertisements, (c) no established business relationship existed with Plaintiff and the other Class members, and (d) Defendants' facsimile advertisements did not display a proper opt-out notice.

31. Pleading in the alternative to the allegations that Defendants knowingly violated the TCPA, Plaintiff alleges that Defendants did not intend to send transmissions of facsimile advertisements, including the Fax, to any person

where such transmission was not authorized by law or by the recipient, and to the extent that any transmissions of facsimile advertisement was sent to any person and such transmission was not authorized by law or by the recipient, such transmission was made based on Defendants' own understanding of the law or on the representations of others on which Defendants reasonably relied.

32. The transmissions of facsimile advertisements, including the Fax, to Plaintiff and the Class caused concrete and personalized injury, including unwanted use and destruction of their property, e.g., toner or ink and paper, caused undesired wear on hardware, interfered with the recipients' exclusive use of their property, cost them time, occupied their fax machines for the period of time required for the electronic transmission of the data, and interfered with their business or personal communications and privacy interests.

CLASS ACTION ALLEGATIONS

33. Plaintiff brings this class action on behalf of the following class of persons, hereafter, the "Class":

All persons in the United States who on or after four years prior to the filing of this action, (1) were sent by or on behalf of Defendants a telephone facsimile message of material advertising the commercial availability or quality of any property, goods, or services, (2) with respect to whom Defendants cannot provide evidence of prior express invitation or permission for the sending of such fax or (3) with whom Defendants did not have an established business relationship, and (4) the fax identified in subpart (1) of this definition (a) did not display a clear and conspicuous opt-out notice on the first page stating that the recipient may make a request to the sender of the advertisement not to send any future advertisements to a telephone facsimile machine or machines and that failure to comply, within 30 days, with such a request meeting the requirements under 47 C.F.R. § 64.1200(a)(4)(v) is unlawful, (b) lacked a telephone number for sending the opt-out request, or (c) lacked a facsimile number for sending the opt-out request.

34. Excluded from the Class are Defendants, their employees, agents, and members of the judiciary.

35. This case is appropriate as a class action because:

a. Numerosity. On information and belief, based in part on review of the sophisticated Fax and online research, the Class includes at least 40 persons and is so numerous that joinder of all members is impracticable.

b. Commonality. Questions of fact or law common to the Class predominate over questions affecting only individual Class members, e.g.:

- i. Whether Defendants engaged in a pattern of sending unsolicited fax advertisements;
- ii. Whether the Fax, and other faxes transmitted by or on behalf of Defendants, contains material advertising the commercial availability of any property, goods or services;

- iii. Whether the Fax, and other faxes transmitted by or on behalf of Defendants, contains material advertising the quality of any property, goods or services;
 - iv. The manner and method Defendants used to compile or obtain the list of fax numbers to which Defendants sent the Fax and other unsolicited faxed advertisements;
 - v. Whether Defendants faxed advertisements without first obtaining the recipients' prior express invitation or permission;
 - vi. Whether Defendants violated 47 U.S.C. § 227;
 - vii. Whether Defendants willfully or knowingly violated 47 U.S.C. § 227;
 - viii. Whether Defendants violated 47 C.F.R. § 64.1200;
 - ix. Whether the Fax, and the other fax advertisements sent by or on behalf of Defendants, displayed the proper opt-out notice required by 47 C.F.R. § 64.1200(a)(4);
 - x. Whether the Court should award statutory damages per TCPA violation per fax;
 - xi. Whether the Court should award treble damages per TCPA violation per fax; and
 - xii. Whether the Court should enjoin Defendants from sending TCPA-violating facsimile advertisements in the future.
- c. Typicality. Plaintiff's claim is typical of the other Class members' claims, because, on information and belief, the Fax was substantially the same as the faxes sent by or on behalf of Defendants to the Class, and Plaintiff is making the same claim and seeking the same relief for itself and all Class members based on the same statute and regulation.
- d. Adequacy. Plaintiff will fairly and adequately protect the interests of the other Class members. Plaintiff's counsel is experienced in TCPA class actions, having litigated more than 80 such cases, and having been appointed class counsel in multiple cases. Neither Plaintiff nor its counsel has interests adverse or in conflict with the Class members.

e. Superiority. A class action is the superior method for adjudicating this controversy fairly and efficiently. The interest of each individual Class member in controlling the prosecution of separate claims is small and individual actions are not economically feasible.

36. The TCPA prohibits the “use of any telephone facsimile machine, computer or other device to send an unsolicited advertisement to a telephone facsimile machine.” 47 U.S.C. § 227(b)(1).

37. The TCPA defines “unsolicited advertisement,” as “any material advertising the commercial availability or quality of any property, goods, or services which is transmitted to any person without that person’s express invitation or permission.” 47 U.S.C. § 227(a)(4).

38. The TCPA provides:

Private right of action. A person may, if otherwise permitted by the laws or rules of court of a state, bring in an appropriate court of that state:

(A) An action based on a violation of this subsection or the regulations prescribed under this subsection to enjoin such violation,

(B) An action to recover for actual monetary loss from such a violation, or to receive \$500 in damages for each such violation, whichever is greater, or

(C) Both such actions.

47 U.S.C. § 227(b)(3)(A)-(C).

39. The TCPA also provides that the Court, in its discretion, may treble the statutory damages if a defendant “willfully or knowingly” violated Section 227(b) or the regulations prescribed thereunder.

40. Defendants’ actions caused concrete and particularized harm to Plaintiff and the Class, as

- a. receiving Defendants’ faxed advertisements caused the recipients to lose paper and toner consumed in printing Defendants’ faxes;
- b. Defendants’ actions interfered with the recipients’ use of the recipients’ fax machines and telephone lines;
- c. Defendants’ faxes cost the recipients time, which was wasted time receiving, reviewing, and routing the unlawful faxes, and such time otherwise would have been spent on business activities; and
- d. Defendants’ faxes unlawfully interrupted the recipients’ privacy interests in being left alone and intruded upon their seclusion.

41. Defendants intended to cause damage to Plaintiff and the Class, to violate their privacy, to interfere with the recipients’ fax machines, or to consume the recipients’ valuable time with Defendants’ advertisements; therefore, treble damages are warranted under 47 U.S.C. § 227(b)(3).

42. Defendants knew or should have known that (a) Plaintiff and the other Class members had not given express invitation or permission for Defendants or anyone else to fax advertisements about Defendants’ property, goods, or services, (b) Defendants did not have an established business relationship with Plaintiff and the other Class members, (c) the Fax and the

other facsimile advertisements were advertisements, and (d) the Fax and the other facsimile advertisements did not display the proper opt-out notice.

43. Defendants violated the TCPA by transmitting the Fax to Plaintiff and substantially similar facsimile advertisements to the other Class members without obtaining their prior express invitation or permission and by not displaying the proper opt-out notice required by 47 C.F.R. § 64.1200(a)(4)(iii).

WHEREFORE, Plaintiff, for itself and all others similarly situated, demands judgment against Defendants, jointly and severally, as follows:

- a. certify this action as a class action and appoint Plaintiff as Class representative;
- b. appoint the undersigned counsel as Class counsel;
- c. award damages of \$500 per TCPA violation per facsimile pursuant to 47 U.S.C. § 227(a)(3)(B);
- d. award treble damages up to \$1,500 per TCPA violation per facsimile pursuant to 47 U.S.C. § 227(a)(3);
- e. enjoin Defendants and their contractors, agents, and employees from continuing to send TCPA-violating facsimiles pursuant to 47 U.S.C. § 227(a)(3)(A);
- f. award class counsel reasonable attorneys' fees and all expenses of this action and require Defendants to pay the costs and expenses of class notice and claim administration;
- g. award Plaintiff an incentive award based upon its time expended on behalf of the Class and other relevant factors;
- h. award Plaintiff prejudgment interest and costs; and
- i. grant Plaintiff all other relief deemed just and proper.

DOCUMENT PRESERVATION DEMAND

Plaintiff demands that Defendants take affirmative steps to preserve all records, lists, electronic databases, or other itemization of telephone or fax numbers associated with the Defendants and the communication or transmittal of advertisements as alleged herein.

SCHULTZ & ASSOCIATES LLP

By: /s/ Mary B. Schultz

Mary B. Schultz, #38245

Ronald J. Eisenberg, #48674

640 Cepi Drive, Suite A

Chesterfield, MO 63005

636-537-4645

Fax: 636-537-2599

reisenberg@sl-lawyers.com

mschultz@sl-lawyers.com

Attorneys for Plaintiff



IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: DANIEL G PELIKAN	Case Number: 1711-CC00777
Plaintiff/Petitioner: SWINTER GROUP INC vs.	Plaintiff's/Petitioner's Attorney/Address: MARY B SCHULTZ 640 CEPI DRIVE, SUITE A CHESTERFIELD, MO 63005-1221
Defendant/Respondent: SERVICE OF PROCESS AGENTS	Court Address: 300 N 2nd STREET SAINT CHARLES, MO 63301
Nature of Suit: CC Injunction	

(Date File Stamp)

Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)

<p>The State of Missouri to: SERVICE OF PROCESS AGENTS Alias:</p> <p>R/A HENRY E. SEATON 2240 GALLOW ROAD VIENNA, VA 22182</p> <p>COURT SEAL OF ST. CHARLES COUNTY</p>		<p>R/A HENRY E. SEATON 8205 HILLCREST RD ANNANDALE, VA 22003</p>
<p>You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.</p> <p>_____ 8/11/2017 _____ Date _____ /S/ Judy Zerr _____ Clerk</p>		
<p>Further Information:</p> <p style="text-align: center;">Officer's or Server's Affidavit of Service</p> <p>I certify that:</p> <ol style="list-style-type: none"> I am authorized to serve process in civil actions within the state or territory where the above summons was served. My official title is _____ of _____ County, _____ (state). I have served the above summons by: (check one) <ul style="list-style-type: none"> <input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the Defendant/Respondent. <input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____, a person of the Defendant's/Respondent's family over the age of 15 years. <input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title). <input type="checkbox"/> other (describe) _____. <p>Served at _____ (address) in _____ County, _____ (state), on _____ (date) at _____ (time).</p> <p>Printed Name of Sheriff or Server _____ Signature of Sheriff or Server _____</p> <p>Subscribed and Sworn To me before this _____ (day) _____ (month) _____ (year) I am: (check one) <ul style="list-style-type: none"> <input type="checkbox"/> the clerk of the court of which affiant is an officer. <input type="checkbox"/> the judge of the court of which affiant is an officer. <input type="checkbox"/> authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer) <input type="checkbox"/> authorized to administer oaths. (use for court-appointed server) </p> <p style="text-align: right;">_____ Signature and Title</p> <p>Service Fees, if applicable Summons \$_____ Non Est \$_____ Mileage \$_____ (_____ miles @ \$ _____ per mile) Total \$_____</p> <p style="text-align: center;">See the following page for directions to clerk and to officer making return on service of summons.</p>		

Directions to Clerk

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondent or Defendants/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff's/Petitioner has no attorney, the Plaintiff's/Petitioner's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.



IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: DANIEL G PELIKAN	Case Number: 1711-CC00777
Plaintiff/Petitioner: SWINTER GROUP INC vs.	Plaintiff's/Petitioner's Attorney/Address: MARY B SCHULTZ 640 CEPI DRIVE, SUITE A CHESTERFIELD, MO 63005-1221
Defendant/Respondent: SERVICE OF PROCESS AGENTS	Court Address: 300 N 2nd STREET SAINT CHARLES, MO 63301
Nature of Suit: CC Injunction	

(Date File Stamp)

Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)

The State of Missouri to: DOUGLAS SCOTT KAISER

Alias:

C/O SEATON & HUSK LP
2240 GALLOW ROAD
VIENNA, VA 22182

14509 SWISSAIR PLACE
CHANTILLY, VA 20151

COURT SEAL OF



ST. CHARLES COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

8/11/2017 _____ /S/ Judy Zerr _____

Date _____ Clerk

Further Information:

Officer's or Server's Affidavit of Service

I certify that:

1. I am authorized to serve process in civil actions within the state or territory where the above summons was served.
2. My official title is _____ of _____ County, _____ (state).
3. I have served the above summons by: (check one)

delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____, a person of the Defendant's/Respondent's family over the age of 15 years.

(for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
 other (describe) _____.

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn To me before this _____ (day) _____ (month) _____ (year)

I am: (check one) the clerk of the court of which affiant is an officer.

the judge of the court of which affiant is an officer.

authorized to administer oaths in the state in which the affiant served the above summons.
(use for out-of-state officer)

authorized to administer oaths. (use for court-appointed server)

Signature and Title

Service Fees, if applicable

Summons \$_____

Non Est \$_____

Mileage \$_____ (_____ miles @ \$ _____ per mile)

Total \$_____

See the following page for directions to clerk and to officer making return on service of summons.

Directions to Clerk

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondent or Defendants/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff's/Petitioner has no attorney, the Plaintiff's/Petitioner's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.

STATE OF MISSOURI)
)
) ss.
ST. CHARLES COUNTY, MISSOURI)

IN THE CIRCUIT COURT OF ST. CHARLES COUNTY, MISSOURI

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

Pursuant to Missouri Supreme Court Rule 17, the Circuit Court of St. Charles County, Missouri (Eleventh Judicial Circuit) has adopted a local rule to encourage voluntary alternative dispute resolution. The purpose of the rule and the program it establishes is to foster timely, economical, fair and voluntary settlements of lawsuits without delaying or interfering with a party's right to resolve a lawsuit by trial.

This program applies to all civil actions other than cases in the small claims, probate and family court divisions of the Circuit Court, and you are hereby notified that it is available to you in this case.

The program encourages the voluntary early resolution of disputes through mediation. Mediation is an informal non-binding alternative dispute resolution process in which a trained mediator facilitates discussions and negotiations among the parties to help them resolve their dispute. The mediator is impartial and has no authority to render a decision or impose a resolution on the parties. During the course of the mediation, the mediator may meet with the parties together and separately to discuss the dispute, to explore the parties' interests, and to stimulate ideas for resolution of the dispute.

A list of mediators approved by the court and information regarding their qualifications is kept by the Circuit Clerk's Office. If all parties to the suit agree to mediation, within ten days after they have filed the Consent to Mediation Form on the reverse side of this page with the Clerk of the Court, they shall jointly select from that list a mediator who is willing and available to serve. If the parties cannot agree upon the mediator to be selected, the Court will make the selection.

The full text of the Circuit Court's local court rules, including Rule 38 Alternative Dispute Resolution, is available from the Clerk of the Circuit Court or at:
http://www.courts.mo.gov/hosted/circuit11/Documents/LOCAL_COURT_RULES.pdf

A copy of this Notice is to be provided by the Clerk of the Circuit Court to each of the parties initiating the suit at the time it is filed, and a copy is to be served on each other party in the suit with the summons and petition served on that party.

STATE OF MISSOURI)
)
) ss.
ST. CHARLES COUNTY, MISSOURI)

IN THE CIRCUIT COURT OF ST. CHARLES COUNTY, MISSOURI

Plaintiff(s),)
)
)
vs.)
)
)

Defendant(s).)

Cause #_____

CONSENT TO MEDIATION FORM

I, the undersigned counsel of record in this case, hereby certify that I have discussed the subject of mediation under the Court's Alternative Dispute Resolution Program with my client(s) in this case and that:

- We believe that mediation would be helpful in this case and consent to the referral of the case to mediation upon the filing of similar consents by all other parties in the case.
- We do not consent to the referral of this case to mediation.

Signature

(Print Name)

Attorney for:

(Party or Parties)

Date: _____

**IN THE MISSOURI CIRCUIT COURT
FOR THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF ST. CHARLES**

SWINTER GROUP, INC.,)
Plaintiff,)
v.) 1711-CCoo777
SERVICE OF PROCESS AGENTS,) Div. 7
INC., et al.,)
Defendants.)

**PLAINTIFF'S MOTION FOR EXTENSION TO TIME TO SERVE
DEFENDANTS**

Plaintiff, pursuant to Missouri Supreme Court Rule 54.21, requests that the deadline for service of the summonses and petition on Defendants be extended to 90 days from issuance of the summonses on August 11, 2017, in order to allow sufficient time to obtain service. Defendants reside outside of Missouri.

Plaintiff is mailing Civil Procedure Form 4B Notices, in accordance with Missouri Supreme Court Rule 54.16, requesting that Defendants voluntarily acknowledge service by mail. Rule 54.16 grants the recipients 30 days to complete and return the Form 4B notice. Rule 54.16 states that “[u]nless good cause is shown for not doing so, the court shall order the payment of costs of service on the person served if such person does not complete and return within thirty days after mailing, the notice and acknowledgment of receipt of summons.”

The new service deadline would be November 9, 2017.

SO ORDERED THIS ____ DAY OF AUGUST, 2017

Daniel Pelikan, Circuit Judge

SCHULTZ & ASSOCIATES LLP

By: /s/ Ronald J. Eisenberg
Mary B. Schultz, #35285
Ronald J. Eisenberg, #48674
640 Cepi Drive, Suite A
Chesterfield, MO 63005
636-537-4645
Fax: 636-537-2599
reisenberg@sl-lawyers.com
mschultz@sl-lawyers.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The above-signed certifies that this motion was eFiled on August 13, 2017.

IN THE MISSOURI CIRCUIT COURT
FOR THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF ST. CHARLES

FILED

AUG 16 2017

JUDY ZERR
CIRCUIT CLERK
ST. CHARLES CO.

SWINTER GROUP, INC.,

)
)
)
)
)

1711-CCoo777

Plaintiff,

v.

Div. 7

SERVICE OF PROCESS AGENTS,
INC., et al.,

Defendants.

**PLAINTIFF'S MOTION FOR EXTENSION TO TIME TO SERVE
DEFENDANTS**

Plaintiff, pursuant to Missouri Supreme Court Rule 54.21, requests that the deadline for service of the summonses and petition on Defendants be extended to 90 days from issuance of the summonses on August 11, 2017, in order to allow sufficient time to obtain service. Defendants reside outside of Missouri.

Plaintiff is mailing Civil Procedure Form 4B Notices, in accordance with Missouri Supreme Court Rule 54.16, requesting that Defendants voluntarily acknowledge service by mail. Rule 54.16 grants the recipients 30 days to complete and return the Form 4B notice. Rule 54.16 states that “[u]nless good cause is shown for not doing so, the court shall order the payment of costs of service on the person served if such person does not complete and return within thirty days after mailing, the notice and acknowledgment of receipt of summons.”

The new service deadline would be November 9, 2017.

SO ORDERED THIS 16 DAY OF AUGUST, 2017

Daniel Pelikan, Circuit Judge



IN THE ELEVENTH JUDICIAL CIRCUIT, ST CHARLES COUNTY, MISSOURI

Judge or Division: Daniel G. Pelikan	Case Number: 1711-CC00777
Plaintiff: Swinter Group, Inc.	Defendant: Service of Process Agents, Inc.

(Date File Stamp)

REQUEST FOR APPOINTMENT OF SPECIAL PROCESS SERVER

Comes now Plaintiff, pursuant to Local Court Rule 4.2.1 and at his/her/its own risk, requests the appointment of:

Name of Process Server S.Todd Regnell	Address 175 Alpine Drive, S.E. Leesburg, VA 20175	Telephone (301) 675-8549
---	---	------------------------------------

Name of Process Server	Address	Telephone
------------------------	---------	-----------

a person(s) of lawful age to serve the summons and petition in this cause on the below named parties. This appointment as special process server does not include the authorization to carry a concealed weapon in the performance thereof.

SERVE:

Henry E. Seaton, Registered Agent for Service of Process Agents, Inc.	SERVE:
---	---------------

Name 2240 Gallow Road	Douglas Scott Kaiser, c/o Seaton & Husk LP
---------------------------------	---

Address Vienna, VA 22182	Name 2240 Gallow Road
------------------------------------	----------------------------------

City/State/Zip	Address Vienna, VA 22182
----------------	-------------------------------------

SERVE:

Douglas Scott Kaiser, c/o Seaton & Husk LP

Name 2240 Gallow Road

Address Vienna, VA 22182

City/State/Zip

Appointed as requested:

Judy Zerr, Circuit Clerk

By _____

Deputy Clerk

Date _____

ALL RISKS TO PLAINTIFF
 SO APPOINTED:
 DATE: OCT 24 2017
by Judy Zerr, Circuit Clerk



IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: DANIEL G PELIKAN	Case Number: 1711-CC00777
Plaintiff/Petitioner: SWINTER GROUP INC vs.	Plaintiff's/Petitioner's Attorney/Address: MARY B SCHULTZ 640 CEPI DRIVE, SUITE A CHESTERFIELD, MO 63005-1221
Defendant/Respondent: SERVICE OF PROCESS AGENTS	Court Address: 300 N 2nd STREET SAINT CHARLES, MO 63301
Nature of Suit: CC Injunction	

(Date File Stamp)

**Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)**

The State of Missouri to: SERVICE OF PROCESS AGENTS

Alias:

R/A HENRY E. SEATON
2240 GALLOW ROAD
VIENNA, VA 22182



ST. CHARLES COUNTY

R/A HENRY E. SEATON
8205 HILLCREST RD
ANNANDALE, VA 22003

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

October 24, 2017

Date

/S/JUDY ZERR

Clerk

Further Information:

Officer's or Server's Affidavit of Service

I certify that:

1. I am authorized to serve process in civil actions within the state or territory where the above summons was served.
2. My official title is _____ of _____ County, _____ (state).
3. I have served the above summons by: (check one)

delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____, a person of the Defendant's/Respondent's family over the age of 15 years.

(for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
 other (describe) _____.

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn To me before this _____ (day) _____ (month) _____ (year)

I am: (check one) the clerk of the court of which affiant is an officer.

the judge of the court of which affiant is an officer.

authorized to administer oaths in the state in which the affiant served the above summons.
(use for out-of-state officer)

authorized to administer oaths. (use for court-appointed server)

Signature and Title

Service Fees, if applicable

Summons \$_____

Non Est \$_____

Mileage \$_____ (_____ miles @ \$ _____ per mile)

Total \$_____

See the following page for directions to clerk and to officer making return on service of summons.

Directions to Clerk

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondent or Defendants/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff's/Petitioner has no attorney, the Plaintiff's/Petitioner's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.



IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: DANIEL G PELIKAN	Case Number: 1711-CC00777
Plaintiff/Petitioner: SWINTER GROUP INC vs.	Plaintiff's/Petitioner's Attorney/Address: MARY B SCHULTZ 640 CEPI DRIVE, SUITE A CHESTERFIELD, MO 63005-1221
Defendant/Respondent: SERVICE OF PROCESS AGENTS	Court Address: 300 N 2nd STREET SAINT CHARLES, MO 63301
Nature of Suit: CC Injunction	

(Date File Stamp)

Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)

The State of Missouri to: DOUGLAS SCOTT KAISER

Alias:

C/O SEATON & HUSK LP
2240 GALLOW ROAD
VIENNA, VA 22182

14509 SWISSAIR PLACE
CHANTILLY, VA 20151

COURT SEAL OF



ST. CHARLES COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

October 24, 2017

Date

/S/JUDY ZERR

Clerk

Further Information:

Officer's or Server's Affidavit of Service

I certify that:

1. I am authorized to serve process in civil actions within the state or territory where the above summons was served.
2. My official title is _____ of _____ County, _____ (state).
3. I have served the above summons by: (check one)

delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____, a person of the Defendant's/Respondent's family over the age of 15 years.

(for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
 other (describe) _____.

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn To me before this _____ (day) _____ (month) _____ (year)

I am: (check one) the clerk of the court of which affiant is an officer.

the judge of the court of which affiant is an officer.

authorized to administer oaths in the state in which the affiant served the above summons.
(use for out-of-state officer)

authorized to administer oaths. (use for court-appointed server)

Signature and Title

Service Fees, if applicable

Summons \$_____

Non Est \$_____

Mileage \$_____ (_____ miles @ \$ _____ per mile)

Total \$_____

See the following page for directions to clerk and to officer making return on service of summons.

Directions to Clerk

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondent or Defendants/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff's/Petitioner has no attorney, the Plaintiff's/Petitioner's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.

STATE OF MISSOURI)
)
) ss.
ST. CHARLES COUNTY, MISSOURI)

IN THE CIRCUIT COURT OF ST. CHARLES COUNTY, MISSOURI

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

Pursuant to Missouri Supreme Court Rule 17, the Circuit Court of St. Charles County, Missouri (Eleventh Judicial Circuit) has adopted a local rule to encourage voluntary alternative dispute resolution. The purpose of the rule and the program it establishes is to foster timely, economical, fair and voluntary settlements of lawsuits without delaying or interfering with a party's right to resolve a lawsuit by trial.

This program applies to all civil actions other than cases in the small claims, probate and family court divisions of the Circuit Court, and you are hereby notified that it is available to you in this case.

The program encourages the voluntary early resolution of disputes through mediation. Mediation is an informal non-binding alternative dispute resolution process in which a trained mediator facilitates discussions and negotiations among the parties to help them resolve their dispute. The mediator is impartial and has no authority to render a decision or impose a resolution on the parties. During the course of the mediation, the mediator may meet with the parties together and separately to discuss the dispute, to explore the parties' interests, and to stimulate ideas for resolution of the dispute.

A list of mediators approved by the court and information regarding their qualifications is kept by the Circuit Clerk's Office. If all parties to the suit agree to mediation, within ten days after they have filed the Consent to Mediation Form on the reverse side of this page with the Clerk of the Court, they shall jointly select from that list a mediator who is willing and available to serve. If the parties cannot agree upon the mediator to be selected, the Court will make the selection.

The full text of the Circuit Court's local court rules, including Rule 38 Alternative Dispute Resolution, is available from the Clerk of the Circuit Court or at:
http://www.courts.mo.gov/hosted/circuit11/Documents/LOCAL_COURT_RULES.pdf

A copy of this Notice is to be provided by the Clerk of the Circuit Court to each of the parties initiating the suit at the time it is filed, and a copy is to be served on each other party in the suit with the summons and petition served on that party.

STATE OF MISSOURI)
)
) ss.
ST. CHARLES COUNTY, MISSOURI)

IN THE CIRCUIT COURT OF ST. CHARLES COUNTY, MISSOURI

Plaintiff(s),)
)
)
vs.)
)
)

Defendant(s).)

Cause #_____

CONSENT TO MEDIATION FORM

I, the undersigned counsel of record in this case, hereby certify that I have discussed the subject of mediation under the Court's Alternative Dispute Resolution Program with my client(s) in this case and that:

- We believe that mediation would be helpful in this case and consent to the referral of the case to mediation upon the filing of similar consents by all other parties in the case.
- We do not consent to the referral of this case to mediation.

Signature

(Print Name)

Attorney for:

(Party or Parties)

Date: _____

**IN THE MISSOURI CIRCUIT COURT
FOR THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF ST. CHARLES**

SWINTER GROUP, INC.,)
Plaintiff,)
v.) **1711-CCoo777**
SERVICE OF PROCESS AGENTS,) **Div. 7**
INC., et al.,)
Defendants.)

APPLICATION FOR ORDER APPOINTING SPECIAL PROCESS SERVER

The Petitioner requests an order appointing Anthony Stefano of ALIASS in Fairfax, VA as Special Process Server, per Supreme Court Rule 54.03, to serve on Henry E. Seaton, Registered Agent for Service of Process Agents, and Douglas Scott Kaiser, c/o Seaton & Husk LP at 2240 Gallow Road, Vienna, VA 22182, Defendants for the reason that

SCHULTZ & ASSOCIATES LLP

/s/ Mary B. Schultz
Mary B. Schultz, #35285
Ronald J. Eisenberg, #48674
640 Cepi Drive, Suite A
Chesterfield, MO 63005
636-537-4645
Fax: 636-537-2599
reisenberg@sl-lawyers.com
mschultz@sl-lawyers.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The above-signed certifies that this motion was eFiled on October 26, 2017.

ALL RISKS TO PLAINTIFF

SO APPOINTED:
OCT 26 2017

DATE:

by Carl Dugiano
JUDY ZERR, CIRCUIT CLERK

**IN THE MISSOURI CIRCUIT COURT
FOR THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF ST. CHARLES**

SWINTER GROUP, INC.,)
Plaintiff,)
v.) 1711-CCoo777
SERVICE OF PROCESS AGENTS,) Div. 7
INC., et al.,)
Defendants.)

**PLAINTIFF'S MOTION FOR COSTS OF SERVICE AS TO
DEFENDANTS SERVICE OF PROCESS AGENTS, INC., AND KAISER**

Plaintiff, pursuant to Missouri Supreme Court Rule 54.16, moves for an order requiring Defendants Service of Process Agents, Inc., and Douglas Scott Kaiser to pay for the costs of service paid to the special process server due to Defendants' failure and refusal to complete and return within thirty days after mailing, the notices and acknowledgment of receipt of summonses Plaintiff had sent.

Plaintiff separately mailed Defendants a Civil Procedure Form 4B Notice on August 14, 2017, in accordance with Missouri Supreme Court Rule 54.16, requesting that Defendants voluntarily acknowledge service by mail. Rule 54.16 grants the recipients 30 days to complete and return the Form 4B Notice. Rule 54.16 states that “[u]nless good cause is shown for not doing so, the court shall order the payment of costs of service on the person served if such person does not complete and return within thirty days after mailing, the notice and acknowledgment of receipt of summons.”

After Defendants failed to complete and return the Form 4B Notices, Plaintiff paid a special process server \$98.80 to serve Defendants. The special process server

served Defendants at the same address to which Plaintiff had mailed the Form 4B Notices.

The Form 4B Notices and \$98.80 receipt for the process server are attached.

WHEREFORE, Plaintiff requests (1) that this motion be granted, (2) that Defendants Service of Process Agents, Inc., and Douglas Scott Kaiser be required to pay Plaintiff \$98.80 within 10 days, by cash or a check payable to Plaintiff's undersigned counsel and sent to counsel's address below, and (3) that Defendants be warned that failure to comply may result in further orders.

SO ORDERED THIS ____ DAY OF NOVEMBER, 2017

Honorable Daniel G. Pelikan, Circuit Judge

SCHULTZ & ASSOCIATES LLP

By: /s/ Ronald J. Eisenberg
Mary B. Schultz, #38245
Ronald J. Eisenberg, #48674
640 Cepi Drive, Suite A
Chesterfield, MO 63005
636-537-4645
Fax: 636-537-2599
reisenberg@sl-lawyers.com
mschultz@sl-lawyers.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The above-signed certifies that this motion was eFiled on November 1, 2017, and also served by U.S. Mail to Defendants at

Service of Process Agents, Inc.
Henry E. Seaton, Reg. Agent
c/o Seaton & Husk, LP
2240 Gallow Road
Vienna, VA 22182

Douglas Scott Kaiser
Seaton & Husk, LP
2240 Gallows Road
Vienna, VA 22182

Ron Eisenberg

From: Auto-Receipt <noreply@mail.authorize.net>
Sent: Thursday, October 26, 2017 10:16 AM
To: Mary Schultz
Subject: Transaction Receipt from ALIASS for \$98.80 (USD)

Order Information

Description: 98.80, Schultz & Associates LLP, Mary Schultz,

Billing Information

Mary Schultz
Schultz & Associates LLP
640 Cepi Drive
Chesterfiled, MO 63005
USA
Jkeith@sl-lawyers.com
(636)537-4645
Fax: (636)537-2599

Shipping Information

Mary Schultz
Schultz & Associates LLP
640 Cepi Drive
Chesterfiled, MO 63005
USA

Total: \$98.80 (USD)

Payment Information

Date/Time: 26-Oct-2017 11:15:42 EDT
Transaction ID: 40385028947
Payment Method: Visa xxxx6466
Transaction Type: Purchase
Auth Code: 520743

Merchant Contact Information

ALIASS
FAIRFAX, VA 22030
US
aliass@american-legal.com

THANK YOU FOR USING ALIASS! WE APPRECIATE YOUR BUSINESS.

**NOTICE AND ACKNOWLEDGMENT FOR SERVICE BY MAIL
CIRCUIT COURT FOR COUNTY OF ST. CHARLES, MISSOURI
DIVISION 7**

Civil Action,)
File No. 1711-CCoo777)
)
SWINTER GROUP, INC.,)
)
Plaintiff,)
)
v.)
)
SERVICE OF PROCESS AGENTS,)
INC.,)
)
DOUGLAS SCOTT KAISER,)
)
And)
JOHN DOES 1-10)
)
Defendants.)

NOTICE

TO:

Douglas Scott Kaiser
c/o Seaton & Husk, LP
2240 Gallows Road
Vienna, VA 22182

Douglas Scott Kaiser
14509 Swissair Place
Chantilly, VA 20151

The enclosed summons and petition are served pursuant to Missouri Supreme Court Rule 54.16.

You may sign and date the acknowledgment part of this form and return one copy of the completed form to the sender within thirty (30) days of August 14, 2017.

If you are served on behalf of a corporation, unincorporated association, including a partnership, or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return the form to the sender within thirty (30) days, you or the party whose behalf you are being served may be required to pay any expenses incurred in serving a summons and petition in any other manner permitted by law.

If you do complete and return this form, you or the party on whose behalf you are being served must comply with the requirements of the summons. If you fail to do so, judgment by default may be taken against you for relief demanded in the petition.

I DECLARE, UNDER PENALTY AND PERJURY, THAT THIS NOTICE WAS MAILED ON AUGUST 14, 2017


Mary B. Schultz

ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND PETITION

I declare, under penalty of filing a false affidavit, that I received a copy of the summons, the Class Action Junk-Fax Petition in the above-captioned matter, Case No. 1711-CC00777.

Signature

Relationship to Entity/Authority
Receive Service of Process

Date Signed

Address:

**IN THE MISSOURI CIRCUIT COURT
FOR THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF ST. CHARLES**

SWINTER GROUP, INC.,)
)
Plaintiff,)
v.) 1711-CC00777
)
SERVICE OF PROCESS AGENTS,) Div. 7
INC., et al.,)
)
Defendants.)

NOTICE OF HEARING ON PLAINTIFF'S MOTION FOR COSTS OF SERVICE

Plaintiff will call for hearing Plaintiff's Motion for Costs of Service as to Defendants Service of Process Agents, Inc., and Kaiser in Division 7 on November 17, 2017, at 9:00 a.m.

SCHULTZ & ASSOCIATES LLP

By: /s/ Ronald J. Eisenberg
Mary B. Schultz, #38245
Ronald J. Eisenberg, #48674
640 Cepi Drive, Suite A
Chesterfield, MO 63005
636-537-4645
Fax: 636-537-2599
reisenberg@sl-lawyers.com
mschultz@sl-lawyers.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The above-signed certifies that this notice was eFiled on November 1, 2017, and also served by U.S. Mail to Defendants at

Service of Process Agents, Inc.
Henry E. Seaton, Reg. Agent
c/o Seaton & Husk, LP
2240 Gallow Road
Vienna, VA 22182

Douglas Scott Kaiser
Seaton & Husk, LP
2240 Gallows Road
Vienna, VA 22182

AFFIDAVIT OF SERVICE

IN THE SAINT CHARLES COUNTY CIRCUIT COURT FOR THE STATE OF MISSOURI

Case Number: 1711-CC00777

Date Filed:

Plaintiff:

Swinter Group, Inc.

vs

Defendant:

Service of Process Agents, Inc., et al

Received on 10/26/2017 to be served on **Service of Process Agents, Inc., Serve: Henry E. Seaton, Registered Agent c/o Seaton & Husk, LP, 2240 Gallows Road, Vienna, VA 22182.**

Anthony J. Stefano, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action.

On 10/27/2017 at 3:43:38 PM, deponent served the within **SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI; CLASS-ACTION JUNK-FAX PETITION; EXHIBITS** on **Service of Process Agents, Inc., Serve: Henry E. Seaton, Registered Agent c/o Seaton & Husk, LP at 2240 Gallows Road , Vienna , VA 22182** in the manner indicated below:

By delivering a true copy of each to and leaving with John T. Husk, Partner who stated he/she is authorized to accept service on behalf of the corporation.

Description:

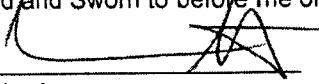
Gender: Male Race/Skin: White Age: 40 - 50 Yrs. Weight: 191-220 Lbs. Height: 6ft 1in - 6ft 3in Hair: Brown
Glasses: No Other:

Served at following GPS coordinates, Lat: 38.898427 Long: -77.225284

I certify that I am over the age of 18 and have no interest in the above action.



Subscribed and Sworn to before me on 10/30/2017.


Cierra L. Harris
My Commission Expires: 1/31/2020
Registration Number 7703663
Commonwealth of Virginia, County of Fairfax



X _____
Anthony J. Stefano

Job #: 1708888
Client File # 1711-CC00777

ALIASS, 10387 Main Street, Suite 202, Fairfax, VA 22030 (703) 383-3007



IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: DANIEL G PELIKAN	Case Number: 1711-CC00777
Plaintiff/Petitioner: SWINTER GROUP INC vs.	Plaintiff's/Petitioner's Attorney/Address: MARY B SCHULTZ 640 CEPI DRIVE, SUITE A CHESTERFIELD, MO 63005-1221
Defendant/Respondent: SERVICE OF PROCESS AGENTS	Court Address: 300 N 2nd STREET SAINT CHARLES, MO 63301
Nature of Suit: CC Injunction	

(Date File Stamp)

Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: SERVICE OF PROCESS AGENTS Alias: R/A HENRY E. SEATON 2240 GALLOW ROAD VIENNA, VA 22182		R/A HENRY E. SEATON 8205 HILLCREST RD ANNANDALE, VA 22003
<i>COURT SEAL OF</i>  ST. CHARLES COUNTY		
<p>You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.</p> <p style="text-align: center;">October 24, 2017 Date</p> <p style="text-align: right;">/S/JUDY ZERR Clerk</p> <p>Further Information:</p>		
Officer's or Server's Affidavit of Service		
<p>I certify that:</p> <ol style="list-style-type: none"> 1. I am authorized to serve process in civil actions within the state or territory where the above summons was served. 2. My official title is _____ of _____ County, _____ (state). 3. I have served the above summons by: (check one) <ul style="list-style-type: none"> <input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the Defendant/Respondent. <input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____, a person of the Defendant's/Respondent's family over the age of 15 years. <input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title). <input type="checkbox"/> other (describe) _____. 		
<p>Served at _____ (address) in _____ County, _____ (state), on _____ (date) at _____ (time).</p>		
Printed Name of Sheriff or Server		Signature of Sheriff or Server
<p>Subscribed and Sworn To me before this _____ (day) _____ (month) _____ (year)</p> <p>I am: (check one) <ul style="list-style-type: none"> <input type="checkbox"/> the clerk of the court of which affiant is an officer. <input type="checkbox"/> the judge of the court of which affiant is an officer. <input type="checkbox"/> authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer) <input type="checkbox"/> authorized to administer oaths. (use for court-appointed server) </p>		
Signature and Title		
<p>Service Fees, if applicable</p> <p>Summons \$ _____ Non Est \$ _____ Mileage \$ _____ (_____ miles @ \$ _____ per mile) Total \$ _____</p>		
<p>See the following page for directions to clerk and to officer making return on service of summons.</p>		

Directions to Clerk

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondent or Defendants/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff's/Petitioner has no attorney, the Plaintiff's/Petitioner's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.

IN THE SAINT CHARLES COUNTY CIRCUIT COURT FOR THE STATE OF MISSOURI

Case Number: 1711-CC00777

Date Filed:

Plaintiff:

Swinter Group, Inc.

vs

Defendant:

Service of Process Agents, Inc., et al

Received on 10/26/2017 to be served on Service of Process Agents, Inc., Serve: Henry E. Seaton, Registered Agent c/o Seaton & Husk, LP, 2240 Gallows Road, Vienna, VA 22182.

Anthony J. Stefano, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action.

On 10/27/2017 at 3:43:38 PM, deponent served the within SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI; CLASS-ACTION JUNK-FAX PETITION; EXHIBITS on Service of Process Agents, Inc., Serve: Henry E. Seaton, Registered Agent c/o Seaton & Husk, LP at 2240 Gallows Road , Vienna , VA 22182 in the manner indicated below:

By delivering a true copy of each to and leaving with John T. Husk, Partner who stated he/she is authorized to accept service on behalf of the corporation.

Description:

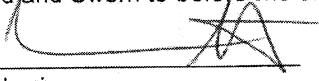
Gender: Male	Race/Skin: White	Age: 40 - 50 Yrs.	Weight: 191-220 Lbs.	Height: 6ft 1in - 6ft 3in	Hair: Brown
Glasses: No	Other:				

Served at following GPS coordinates, Lat: 38.898427 Long: -77.225284

I certify that I am over the age of 18 and have no interest in the above action.



Subscribed and Sworn to before me on 10/30/2017.


 Cierra L. Harris
 My Commission Expires: 1/31/2020
 Registration Number 7703663
 Commonwealth of Virginia, County of Fairfax



X _____
 Anthony J. Stefano

Job #: 1708888
 Client File # 1711-CC00777

ALIASS, 10387 Main Street, Suite 202, Fairfax, VA 22030 (703) 383-3007

IN THE SAINT CHARLES COUNTY CIRCUIT COURT FOR THE STATE OF MISSOURI

Case Number: 1711-CC00777

Date Filed:

Plaintiff:

Swinter Group, Inc.

vs

Defendant:

Service of Process Agents, Inc., et al

Received on 10/26/2017 to be served on **Douglas Scott Kaiser c/o Seaton & Husk, LP, 2240 Gallows Road, Vienna, VA 22182**.

Anthony J. Stefano, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action.

On 10/27/2017 at 3:45:08 PM, deponent served the within **SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI; CLASS-ACTION JUNK-FAX PETITION; EXHIBITS** on **Douglas Scott Kaiser at 2240 Gallows Road , Vienna , VA 22182** in the manner indicated below:

INDIVIDUAL: by delivering thereat a true copy of each to said Recipient personally; deponent knew the person so served to be the person described herein by deponent asking the person if he or she is the named Recipient and the person responding that he or she is in fact the person named in this action as the Recipient.

Description:

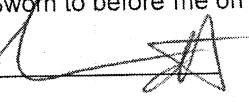
Gender: **Male** Race/Skin: **White** Age: **40 - 50 Yrs.** Weight: **161-190 Lbs.** Height: **5ft 9in - 6ft 0in** Hair: **Brown**
 Glasses: **No** Other:

Served at following GPS coordinates, Lat: 38.898425 Long: -77.225292

I certify that I am over the age of 18 and have no interest in the above action.



Subscribed and Sworn to before me on 10/30/2017.


Cierra L. Harris

My Commission Expires: 1/31/2020

Registration Number 7703663

Commonwealth of Virginia, County of Fairfax

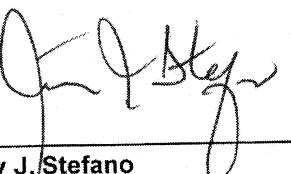


X

Anthony J. Stefano

Job #: 1708892

Client File # 1711-CC00777



IN THE SAINT CHARLES COUNTY CIRCUIT COURT FOR THE STATE OF MISSOURI

Case Number: 1711-CC00777

Date Filed:

Plaintiff:

Swinter Group, Inc.

vs

Defendant:

Service of Process Agents, Inc., et al

Received on 10/26/2017 to be served on Douglas Scott Kaiser c/o Seaton & Husk, LP, 2240 Gallows Road, Vienna, VA 22182.

Anthony J. Stefano, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action.

On 10/27/2017 at 3:45:08 PM, deponent served the within SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI; CLASS-ACTION JUNK-FAX PETITION; EXHIBITS on Douglas Scott Kaiser at 2240 Gallows Road , Vienna , VA 22182 in the manner indicated below:

INDIVIDUAL: by delivering thereat a true copy of each to said Recipient personally; deponent knew the person so served to be the person described herein by deponent asking the person if he or she is the named Recipient and the person responding that he or she is in fact the person named in this action as the Recipient.

Description:

Gender: Male Race/Skin: White Age: 40 - 50 Yrs. Weight: 161-190 Lbs. Height: 5ft 9in - 6ft 0in Hair: Brown
Glasses: No Other:

Served at following GPS coordinates, Lat: 38.898425 Long: -77.225292

I certify that I am over the age of 18 and have no interest in the above action.



Subscribed and Sworn to before me on 10/30/2017.

Cierra L. Harris
My Commission Expires: 1/31/2020
Registration Number 7703663
Commonwealth of Virginia, County of Fairfax



X _____
Anthony J. Stefano

Job #: 1708892
Client File # 1711-CC00777

ALIASS, 10387 Main Street, Suite 202, Fairfax, VA 22030 (703) 383-3007



IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: DANIEL G PELIKAN	Case Number: 1711-CC00777
Plaintiff/Petitioner: SWINTER GROUP INC vs.	Plaintiff's/Petitioner's Attorney/Address: MARY B SCHULTZ 640 CEPI DRIVE, SUITE A CHESTERFIELD, MO 63005-1221
Defendant/Respondent: SERVICE OF PROCESS AGENTS	Court Address: 300 N 2nd STREET SAINT CHARLES, MO 63301
Nature of Suit: CC Injunction	

(Date File Stamp)

Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)

<p>The State of Missouri to: DOUGLAS SCOTT KAISER Alias: C/O SEATON & HUSK LP 2240 GALLOW ROAD VIENNA, VA 22182</p> <p>COURT SEAL OF  ST. CHARLES COUNTY</p>		<p>14509 SWISSAIR PLACE CHANTILLY, VA 20151</p>		
<p>You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.</p>				
<p>October 24, 2017 Date</p>		<p>/S/JUDY ZERR Clerk</p>		
<p>Further Information:</p> <p align="center">Officer's or Server's Affidavit of Service</p> <p>I certify that:</p> <ol style="list-style-type: none"> I am authorized to serve process in civil actions within the state or territory where the above summons was served. My official title is _____ of _____ County, _____ (state). I have served the above summons by: (check one) <ul style="list-style-type: none"> <input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the Defendant/Respondent. <input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____, a person of the Defendant's/Respondent's family over the age of 15 years. <input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title). <input type="checkbox"/> other (describe) _____. <p>Served at _____ (address) in _____ County, _____ (state), on _____ (date) at _____ (time).</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Printed Name of Sheriff or Server</td> <td style="width: 50%;">Signature of Sheriff or Server</td> </tr> </table> <p align="center">Subscribed and Sworn To me before this _____ (day) _____ (month) _____ (year)</p> <p>I am: (check one) <ul style="list-style-type: none"> <input type="checkbox"/> the clerk of the court of which affiant is an officer. <input type="checkbox"/> the judge of the court of which affiant is an officer. <input type="checkbox"/> authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer) <input type="checkbox"/> authorized to administer oaths. (use for court-appointed server) </p> <p align="right">_____ Signature and Title</p>			Printed Name of Sheriff or Server	Signature of Sheriff or Server
Printed Name of Sheriff or Server	Signature of Sheriff or Server			
<p>Service Fees, if applicable</p> <p>Summons \$ _____ Non Est \$ _____ Mileage \$ _____ (_____ miles @ \$ _____ per mile) Total \$ _____</p> <p align="center">See the following page for directions to clerk and to officer making return on service of summons.</p>				

Directions to Clerk

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondent or Defendants/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff's/Petitioner has no attorney, the Plaintiff's/Petitioner's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.

IN THE MISSOURI CIRCUIT COURT
FOR THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF ST. CHARLES

FILED

NOV 17 2017

JUDY ZERR
CIRCUIT CLERK
ST. CHARLES CO.

SWINTER GROUP, INC.,)
Plaintiff,)
v.) 1711-CCoo777
SERVICE OF PROCESS AGENTS,) Div. 7
INC., et al.,)
Defendants.)

**PLAINTIFF'S MOTION FOR COSTS OF SERVICE AS TO
DEFENDANTS SERVICE OF PROCESS AGENTS, INC., AND KAISER**

Plaintiff, pursuant to Missouri Supreme Court Rule 54.16, moves for an order requiring Defendants Service of Process Agents, Inc., and Douglas Scott Kaiser to pay for the costs of service paid to the special process server due to Defendants' failure and refusal to complete and return within thirty days after mailing, the notices and acknowledgment of receipt of summonses Plaintiff had sent.

Plaintiff separately mailed Defendants a Civil Procedure Form 4B Notice on August 14, 2017, in accordance with Missouri Supreme Court Rule 54.16, requesting that Defendants voluntarily acknowledge service by mail. Rule 54.16 grants the recipients 30 days to complete and return the Form 4B Notice. Rule 54.16 states that "**[u]nless good cause is shown for not doing so, the court shall order the payment of costs of service on the person served if such person does not complete and return within thirty days after mailing, the notice and acknowledgment of receipt of summons."**"

After Defendants failed to complete and return the Form 4B Notices, Plaintiff paid a special process server \$98.80 to serve Defendants. The special process server

served Defendants at the same address to which Plaintiff had mailed the Form 4B Notices.

The Form 4B Notices and \$98.80 receipt for the process server are attached.

WHEREFORE, Plaintiff requests (1) that this motion be granted, (2) that Defendants Service of Process Agents, Inc., and Douglas Scott Kaiser be required to pay Plaintiff \$98.80 within 10 days, by cash or a check payable to Plaintiff's undersigned counsel and sent to counsel's address below, and (3) that Defendants be warned that failure to comply may result in further orders.

SO ORDERED THIS 17 DAY OF NOVEMBER, 2017

Honorable Daniel G. Pelikan, Circuit Judge

SCHULTZ & ASSOCIATES LLP

By: /s/ Ronald J. Eisenberg
Mary B. Schultz, #38245
Ronald J. Eisenberg, #48674
640 Cepi Drive, Suite A
Chesterfield, MO 63005
636-537-4645
Fax: 636-537-2599
reisenberg@sl-lawyers.com
mschultz@sl-lawyers.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The above-signed certifies that this motion was eFiled on November 1, 2017, and also served by U.S. Mail to Defendants at

Service of Process Agents, Inc.
Henry E. Seaton, Reg. Agent
c/o Seaton & Husk, LP
2240 Gallow Road
Vienna, VA 22182

Douglas Scott Kaiser
Seaton & Husk, LP
2240 Gallows Road
Vienna, VA 22182

**IN THE MISSOURI CIRCUIT COURT
FOR THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF ST. CHARLES**

SWINTER GROUP, INC.,)
Plaintiff,)
v.) 1711-CCoo777
SERVICE OF PROCESS AGENTS,) Div. 7
INC., et al.,)
Defendants.)

CERTIFICATE OF SERVICE

Plaintiff certifies through the undersigned that (a) the November 17, 2017 Order granting Plaintiff's Motion for Costs of Service as to Defendants Service of Process Agents, Inc., and Kaiser and (b) this Certificate of Service were served by U.S. Mail, and item (b) was also eFiled, all on November 21, 2017 (the day on which the Order was uploaded to Casenet), with the mailings addressed to:

Service of Process Agents, Inc.
Henry E. Seaton, Reg. Agent
c/o Seaton & Husk, LP
2240 Gallow Road
Vienna, VA 22182

Douglas Scott Kaiser
Seaton & Husk, LP
2240 Gallows Road
Vienna, VA 22182

SCHULTZ & ASSOCIATES LLP

By: /s/ Ronald J. Eisenberg
Mary B. Schultz, #38245
Ronald J. Eisenberg, #48674
640 Cepi Drive, Suite A
Chesterfield, MO 63005
636-537-4645
Fax: 636-537-2599
reisenberg@sl-lawyers.com
mschultz@sl-lawyers.com

Attorneys for Plaintiff